

Appl. No. 09/950,052
Atty. Docket No. P164R&#
Amdt. Dated October 7, 2005
Reply to Office Action of April 7, 2005

REMARKS

Upon entry of the amendments and cancellation herein, Claims 16, 17, 22, and 23 will be pending; Claims 1, 15, and 18 – 21 have been cancelled; Claim 23 has been added as directed to lowering of body temperature, which is discussed throughout the specification as filed.

The Rejections Under 35 U.S.C. 102(b)

Claims 1 and 15 – 22 have been rejected under 35 U.S.C. 102(b) as being anticipated by Nutrition Reviews. It is noted that Claims 1, 15 and 18 – 21 have been canceled herein; new independent Claim 23, upon which Claims 16, 17, and 22 depend, is directed to methods of lowering body temperature. Nutrition Reviews fails to teach or even suggest caloric restriction mimetic activity, and further fails to teach or even suggest lowering of body temperature (cited by Applicants as having relevance to caloric restriction mimetic activity) as it is strictly based on a general recognition of hyperglycemic effects of mannoheptulose. As such, Nutrition Reviews fails to anticipate or even suggest the presently pending claims and the rejection should be promptly withdrawn.

The Rejections Under 35 U.S.C. 112

Claims 1 and 15 – 22 have been rejected in view of the negative limitation "without reliance on food deprivation." As this limitation is no longer recited in the claims as amended herein, the rejection is moot and should be withdrawn.

Claims 1 and 15 – 22 have been rejected in view of recitation of methods mimicking caloric restriction. As amended herein, the claims are directed to methods of lowering body temperature. As such, the rejection is moot and should be withdrawn.

Finally, Claims 1 and 15 – 22 have been rejected for a variety of stated reasons, including intention of mimicking caloric restriction, recitation of dose, an antecedent basis issue, and a stated failure to further limit the claims. With the exception of recitation of dose, all of these issues are rendered moot through the amendments herein. Addressing recitation of dose, the claims as pending herein are directed to administration of *an effective amount* of mannoheptulose, wherein the effective amount is from about 0.001 grams of mannoheptulose per kg of the animal to about 1 g of mannoheptulose per kg of the animal. The effective amount will, of course, be dependent upon a variety of factors while in use, including type of animal, gender, condition, and

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other factors that the ordinarily skilled artisan will readily consider in determining such effective dose within this stated range.

CONCLUSION

Applicant therefore respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. §§ 102(b) and 112 and allow Claims 16, 17, 22, and 23 as amended and otherwise presented herein. If the Examiner believes that personal contact would be beneficial for disposition of the present application, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

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Signature

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